

LESTER SCHWAB KATZ & DWYER, LLP

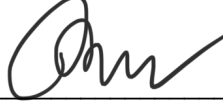
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VIA ECF
Hon. Judge Philip M. Halpern
United States District Court
Southern District of New York
300 Quarropas Street
White Plains, New York 10601

Defendants' request for a Scheduling Conference is DENIED. Plaintiff's request to extend the fact discovery deadline by 60 days is GRANTED. The fact discovery deadline is extended to September 10, 2023. All discovery in this action shall be completed by September 10, 2023.

The Clerk of Court is respectfully directed to terminate the motion sequences at Doc. 26 and Doc. 27.

SO ORDERED.



Philip M. Halpern
United States District Judge

Dated: White Plains, New York
July 11, 2023

Re: Peña, Eva Y. v. Macy's Inc., Aleksey Prezenchuk, As District Director of Operations and Asset Protection, et al., The City of Yonkers, et al.
Case No.: 7:22-cv-09435
Our File No.: 255-2368
Date of Loss: 9/3/2019

Dear Honorable Judge Halpern:

As you know, we appeared before your Honor for an initial conference on January 27, 2023 and at that time a Case Management Order was entered and filed with the Court. In the following months, we had attempted to contact plaintiff counsel to obtain responses to discovery requests and for execution of a confidentiality Stipulation. Plaintiff's counsel did not respond.

On July 10, 2023, plaintiff counsel sent defense counsel an email indicating that he had lost contact with his client and only recently re-established contact and was ready "to complete this case". He requested that defense counsel consent to a 60 day extension of discovery and he would expedite depositions.

Again, we must stress that plaintiff has not responded to any document request or interrogatories to date and she herself has not been deposed. Further, the Confidentiality Stipulation which was forwarded months ago to allow defendants to respond to plaintiff's request remains unsigned.

It is unfair and burdensome for plaintiff to now expect to complete all discovery in 60 days when all delays have been caused by plaintiff.

Defendants jointly request that your Honor hold another scheduling conference so that an orderly progression of discovery can be arranged and no party will be unfairly prejudiced. Michael Levinson, Esq., managing attorney for co-defendant City of Yonkers consents in this request. Further, if the Court decides to schedule another conference, we would ask that it be scheduled

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after July 24, 2023 as the handling attorney for City of Yonkers, Rory McCormick is out of the office until then. We thank you for your consideration.

Respectfully submitted,

Robert N. Dunn

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cc:

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